

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

ELIZABETH STEFFENBERG,

Plaintiff,

v.

T. GENE GILMAN, STEVEN GILMAN, THE GILMAN  
INSURANCE AGENCY, INC., DAVID M. SCOLL,  
ARBOR SECURITIES, LTD., ALLIANCE  
INVESTMENT MANAGEMENT, COMMONWEALTH  
FINANCIAL HOLDINGS INC., FINANCIAL LINKS,  
INC., T. GILMAN & CO., LTD., TRADETEK, LTD. and  
TRADETEK, LLC,

Defendants.

CIVIL ACTION NO. 04-40113-  
FDS

**JOINT MOTION FOR ENTRY OF DISMISSAL AS TO PLAINTIFF'S CLAIMS  
AGAINST DEFENDANT DAVID SCOLL**

---

Now come the Plaintiff, Elizabeth Steffenberg (hereinafter "Steffenberg"), and the Defendant, David M. Scoll (hereinafter "Scoll"), and hereby jointly move this Honorable Court, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Rules for the United States District Court, District of Massachusetts, to dismiss Steffenberg's claims against Scoll with prejudice, without costs and attorney's fees, and with all rights of appeal waived.

In support of this motion, Steffenberg and Scoll state that they have agreed to settle their dispute, and desire for all claims against Scoll to be dismissed, though Steffenberg's claims against other parties remain to be adjudicated. All other named Defendants aside from Scoll have failed to appear or otherwise defend this action and the moving parties anticipate that they would be unable to secure a stipulation of dismissal signed by all parties pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

WHEREFORE, Steffenberg and Scoll respectfully request that this Honorable Court allow this motion and enter dismissal as to all claims by Steffenberg against Scoll.

Respectfully submitted,  
ELIZABETH R. STEFFENBERG,  
By her attorneys,

/s/ Louis M. Ciavarra  
Louis M. Ciavarra, (BBO#546485)  
BOWDITCH & DEWEY, LLP  
311 Main Street, P.O. Box 15156  
Worcester, MA 01615-0156  
(508) 926-3441

Dated: October 25, 2005

Respectfully submitted,  
DAVID M. SCOLL,  
By his attorneys,

/s/ Sara Discepolo  
George C. Rockas (BBO# 544009)  
Sara Discepolo (BBO # 628721)  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

ELIZABETH STEFFENBERG,

Plaintiff,

v.

T. GENE GILMAN, STEVEN GILMAN, THE GILMAN  
INSURANCE AGENCY, INC., DAVID M. SCOLL,  
ARBOR SECURITIES, LTD., ALLIANCE  
INVESTMENT MANAGEMENT, COMMONWEALTH  
FINANCIAL HOLDINGS INC., FINANCIAL LINKS,  
INC., T. GILMAN & CO., LTD., TRADETEK, LTD. and  
TRADETEK, LLC,

Defendants.

CIVIL ACTION NO. 04-40113-  
FDS

**CERTIFICATE OF SERVICE**

I, Sara Discepolo, hereby certify that on October 25, 2005, I electronically filed the foregoing *Joint Motion for Entry of Dismissal as to Plaintiff's Claims against Defendant David Scoll* and on October 25, 2005 caused to be served a courtesy copy of the same to all parties/counsel of record by mailing the same via first class mail, postage prepaid, to the following parties:

Louis Ciavarra, Esq.  
Bowditch & Dewey  
311 Main Street  
PO Box 15156  
Worcester, MA 01615-0156

/s/ Sara Discepolo  
Sara Discepolo